IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

OP.No. 8211 of 2003(C)

PETITIONER:
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1. P.V.ISSAC, SON OF VARGHESE,
CHITTATH VEEDU, RESIDING AT KAIRADI P.O.,
PALAKKAD DISTRICT.

2. AMMINI, W/O. P.V.ISSAC,
CHITTATH VEEDU, KAIRADI P.O., PALAKKAD DISTRICT.

BY ADV. SRI.H.BADARUDDIN
SMT.UMA

RESPONDENTS:
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1. DISTRICT COLLECTOR, PALAKKAD.

2. THE ASSISTANT DIRECTOR OF SURVEY AND
LAND RECORDS (RE-SURVEY), PALAKKAD.

3. THE TAHSILDAR, CHITTUR TALUK.

4. THE TALUK SURVEYOR,
CHITTUR TALUK.

5. THE VILLAGE OFFICER,
KAIRADI VILLAGE, CHITTUR TALUK.

6. THE DISTRICT SURVEY SUPERINTENDENT,
PALAKKAD DISTRICT.

BY GOVERNMENT PLEADER SMT.R.BINDU

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO.14311/2003 IN O.P. NO.8211/2003

DISMISSED:

21.3.2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONERS' EXHIBITS:

P1: TRUE COPY OF SALE DEED BEARING NO.2066/1992 OF THE SUB REGISTRY, NENMARA.

P2: TRUE COPY OF POSSESSION CERTIFICATE NO.247/02 DT.30.9.02 ISSUED BY R5.

P3: TRUE OCPY OF SURVEY FIELD SKETCH FOR SY. NO.603 OF KAIRADY VILLAGE.

P4: TRUE COPY OF REPRESENTATION DT.2.7.02 SUBMITTED BY 1ST PETITIONER BEFORE R1.

P5: TRUE COPY OF LETTER DT.17.7.02 ISSUED BY R1.

P6: TRUE COPY OF REPRESENTATION DT.11.9.2002 SUBMITTED BY PETITIONERS TO THE DISTRICT COLLECTOR.

P7(a): TRUE COPY OF LETTER DT.26.5.2000.

P7(b): TRUE COPY OF RESURVEY PLAN OF SY. NO.214/5,12 OF KAIRADI VILLAGE.

P8: TRUE COPY OF JUDGMENT IN O.P. NO.29895/2002 H DT.25.10.2002 OF THE HIGH COURT OF KERALA.

P9: TRUE COPY OF LETTER DT.16.12.02 TO 1ST PETITIONER ISSUED BY R1.

P10: TRUE OCPY OF LETTER DT.23.1.03 TO 1ST PETITIONER.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR,J.

O.P. NO. 8211 OF 2003

Dated this the 21st day of March, 2007

JUDGMENT

Petitioner claimed title over a teakwood tree which according to Government is in the puramboke land. Petitioner got his property surveyed vide judgment of this Court in O.P.No. 29895 of 2002. According to the petitioner, survey report itself is not furnished to the petitioner, even though respondents have demanded massive amounts for survey. It is not known whether survey charges are collected in advance before survey as required under Rule 28 of the Kerala Survey and Boundaries Rules, 1964. In any case, even if charges are not recovered in advance petitioner is bound to pay charges as survey was conducted on the direction of this Court on the petitioner's application. It is seen that rates of survey charges are provided under Rule 28 above referred. Respondents are entitled to recover only these rates of survey charges and the charges provided under Govt. orders. O.P. is accordingly disposed of with direction to sixth respondent to recompute the survey charges in accordance with rules and government

orders and give a detailed demand to the petitioner for making payment. As and when payment is made by the petitioner, sixth respondent will issue survey report to the petitioner. If payment is not made respondents are free to proceed for recovery of survey charges in accordance with law.

(C.N.RAMACHANDRAN NAIR)
Judge